



Village of

Barrington

est. 1865

200 South Hough Street • Barrington, Illinois • 60010

FREEDOM OF INFORMATION REQUEST PROCEDURES POLICY

Purpose:

The purpose of this policy is to establish guidelines for compliance with the Freedom of Information Act of Illinois (5 ILCS 140) requiring the availability of certain municipal records of the Village of Barrington for inspection and copying by the public.

Policy:

It is the policy of the Village of Barrington that all persons are entitled to full and complete information regarding the affairs of the Village of Barrington and the official acts and policies of Village officials and public employees, consistent with provisions of law. The Village of Barrington recognizes that access to information is necessary and desirable to enable citizens to fulfill their obligations in discussing public issues fully and freely and making informed judgments. (Village of Barrington Resolution No. 889)

An Historic
Community
with a Vision
for the Future

Village Hall

847/304-3400

fax 847/304-3490

Public Safety

400 N. Northwest Hwy.

Police

847/304-3300

fax 847-381-2165

Fire

847/304-3600

fax 847/381-1889

Public Works

300 N. Raymond Ave.

847/381-7903

fax 847/382-3030

**RULES AND REGULATIONS IN ACCORDANCE WITH THE
FREEDOM OF INFORMATION ACT**

1. The following rules and regulations are in compliance with the Freedom of Information Act of Illinois (5 ILCS 140) (the "Act").
2. Information may be requested at the Village Hall, 200 South Hough Street from 8:00 a.m. to 4:30 p.m., Monday through Friday.
3. Pursuant to the "Act" the Village will make available for inspection and copying a brief description of the methods whereby the public may request information and public records, a directory designating by titles and departments those employees to whom requests for public records should be directed, and any fees allowable under Section 6 of the Act.
4. The Village shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to the Act. The Village shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.
5. The Village of Barrington hereby establishes the following costs for reproduction:
 - a) paper copy \$.25
 - b) microfilm copy \$.50
 - c) computer page \$.50
 - d) certification of document \$.50

Requests to waive fee must be made in writing to the Village Manager and must state how the principle purpose of the request is to access and disseminate information "regarding the health, safety and welfare or the legal rights of the general public" (Section. 6 (b) FOIA) and is not for the principal purpose of personal and commercial benefit.

6. In determining time periods as provided for in the Freedom of Information Act, the day of request will not be included.
7. Each Department Manager is authorized to issue notices of extension of time and notices of denial.
8. The Village Manager is hereby defined as "head of the public body" and shall rule on appeals.
9. "Commercial Enterprise" as used in the Freedom of Information Act shall include both profit and not-for-profit ventures.
10. If the Village Manager reasonably believes the records requested might be for the purpose of furthering a commercial enterprise, then the requesting party must supply additional information to disprove this claim.

ADMINISTRATIVE PROCEDURES

1. A request is initiated by filling out a "Freedom of Information Act Request Form" available at the Village Hall, 200 South Hough Street. The employee receiving the request shall date stamp the request and indicate the date by which the request must be approved or denied (seven (7) working days after and excluding the day of request) in accordance with the provisions of the "Act".
2. The request will then be directed to the individual indicated as responsible for requests within the affected department(s) (see attached list).
3. A copy of the request must also be directed to the Office of the Village Clerk/ Deputy Village Clerk by the employee originally receiving the request.
4. The employee responsible for providing the information on behalf of their department, shall promptly, either comply with or deny a written request for public records within seven (7) working days after its receipt.
5. If, after five days the responsible employee determines that there is not adequate time to gather the requested information, the time limit may be extended seven (7) additional days. It is strongly recommended that extensions only be made in extenuating circumstances. Valid reasons for extension are:
 - a. The requested record is in a place other than the office at which the record is being requested.
 - b. The request requires the collection of a substantial number of specified records.
 - c. The request is understood in categorical terms and requires an extensive search for the records responsive to it.
 - d. The requested records have not been located in the course of routine search and additional efforts are being made to locate them.
 - e. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if the records are exempt from disclosure under Section 7 of the Act or should be revealed only with appropriate deletions.
 - f. The request for records cannot be complied with by the public body within the time limits prescribed by Section 3 of the Act without unduly burdening or interfering with the operations of the public body.
 - g. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

When additional time is required for any of the above reasons, the public body shall notify the person making the written request by letter, within the time limits specified in the Act, stating the reasons for the delay and the date by which the records will be available or that a denial will be forthcoming. In no instance, may the delay in processing last longer than seven (7) working days. A failure to render a decision within seven (7) working days shall be considered a denial of the request.

6. Requests calling for all records within a category shall be complied with unless compliance would be unduly burdensome, there is no way to narrow the request, and the burden outweighs the public interest in the information. Before invoking this exemption, the Village shall extend to the person making the request an opportunity to attempt to reduce the request to manageable proportions. If it is

determined that compliance would unduly burden the Village's operation and the conditions described in Section 3 of the Act have been met, the Village shall notify the requester in writing, specifying the reasons why compliance would be unduly burdensome to the operations of the public body. Such response shall be treated as a denial of the request for information.

7. The following shall be exempt from inspection and copying:
 - a. Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.
 - b. Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under Section 7 of the Act shall include:
 - 1) files and personal information maintained with respect to individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care of services directly or indirectly from federal agencies or public bodies;
 - 2) personnel files and personal information maintained with respect to employees, appointees or elected officials;
 - 3) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;
 - 4) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;
 - 5) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under the Act.
 - c. Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:
 - 1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
 - 2) interfere with pending administrative enforcement proceedings conducted by any public body;
 - 3) deprive a person of a fair trial or an impartial hearing;
 - 4) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
 - 5) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;
 - 6) constitute an invasion of personal privacy under subsection (b) of this Section;
 - 7) endanger the life or physical safety of law enforcement personnel or any other person; or
 - 8) obstruct an ongoing criminal investigation
 - d. Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:
 - 1) chronologically maintained arrest information, such as traditional arrest logs or blotters;
 - 2) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
 - 3) court records that are public;
 - 4) records that are otherwise available under State or local law; or

- 5) records in which the requesting party is the individual identified, except as provided under part (7) of subsection (c) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of description or notations of arrests, detention, indictments, information, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notation of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

- e. Records that relate to or affect the security of correctional institutions and detention facilities.
- f. Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. This exemption applies to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.
- g. Trade secrets and commercial or financial information where disclosure may cause competitive harm, although a person or business may consent to a disclosure.
- h. Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into an agreement with the body, until award or final selection is made. Also information prepared for a bid solicitation shall be exempt until an award or final selection is made.
- i. Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.
- j. Test questions, scoring keys or other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.
- k. Architects' and/or engineers' plans for projects not constructed or developed in whole or in part by public funds to the extent that disclosure would compromise security.
- l. Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.
- m. Communication between the public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.
- n. Administrative or technical information associated with data processing operations, documentation pertaining to all logical and physical design of computerized system, employee manuals, and any other information that would jeopardize the security of the system or its data.
- o. Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except any final contract or agreement shall be subject to inspection and copying.
- p. Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body.
- q. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.
- r. All proprietary information and records related to the operation of an intergovernmental risk management association, self-insurance pool or jointly self-administered health and accident cooperative or pool.
- s. Information related solely to the internal personnel rules and practices of a public body.

- t. Insurance or self insurance (including any intergovernmental risk management associated or self insurance pool) claims, loss or risk management information, records, data, advice or communications.
- 8. If any public record exempt from disclosure contains material which is not exempt, the public body shall delete the information which is exempt and make the remaining information available for inspection and copying.
- 9. Each public body or head of the public body denying a request shall notify the person making the request by letter regarding the decision to deny, the reasons for the denial, the names or positions of each person responsible for the denial, and information regarding their right to appeal to the head of the public body within seven (7) working days.
- 10. A written appeal may be filed with the Village Manager within 14 working days. Upon receipt of the appeal, the Village Manager shall promptly review the public record to determine whether it is open to inspection and copying and then shall notify the person making the appeal within seven (7) days of the decision.
- 11. Any person denied access to inspect or copy any public record by the Village Manager may file suit for injunctive or declaratory relief.

Responsible Employee for FOIA Requests by Department

<u>Department</u>	<u>Employee</u>
Administrative Services	Colleen Nigg, Administrative Assistant
Building and Planning	Jody Osberg, Office Manager
Fire Department	Nancy Fidler, Executive Secretary
Police Department	Irene Shewchuk, Records Supervisor
Public Works	Linda Verdung, Office Manager
Village Clerk	Melanie Marcordes, Administrative Assistant, Deputy Village Clerk